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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

11 SHANNON O. MURPHY, ) No. C 08-00763 EMC  
12 Plaintiff, )  
13 v. )  
14 UNITED STATES ARMY NATIONAL )  
15 GUARD, (CALIFORNIA); BATTERY S, )  
16 143RD FIELD ARTILLERY, )  
17 Defendants. )  
\_\_\_\_\_  
DECLINATION TO PROCEED  
BEFORE A MAGISTRATE JUDGE  
AND REQUEST FOR REASSIGNMENT  
TO A UNITED STATES DISTRICT  
JUDGE

18 REQUEST FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE

19 The undersigned party hereby declines to consent to the assignment of this case to a

20 United States Magistrate Judge for trial and disposition and hereby requests the reassignment of  
21 this case to a United States District Judge.

22 Respectfully submitted,

23 JOSEPH P. RUSSONIELLO  
United States Attorney

25 Dated: February 22, 2008

26 \_\_\_\_\_/s/  
ABRAHAM A. SIMMONS  
Assistant United States Attorney

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

**DECLINATION TO PROCEED BEFORE A MAGISTRATE JUDGE AND REQUEST  
FOR REASSIGNMENT TO A UNITED STATES DISTRICT JUDGE**

to be served this date upon the party in this action by placing a true copy thereof in a sealed envelope, and served as follows:

FIRST CLASS MAIL by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

CERTIFIED MAIL (# ) by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

PERSONAL SERVICE (BY MESSENGER)

FEDERAL EXPRESS via Priority Overnight

EMAIL

FACSIMILE (FAX)

to the party(ies) addressed as follows:

Shannon O. Murphy, Pro Se  
General Delivery  
El Cerrito, CA 94530  
PH: 510.219.9180

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this February 22, 2008 at San Francisco, California.

\_\_\_\_/s/ \_\_\_\_\_  
LILY HO-VUONG  
Legal Assistant